

2024:PHHC:129712



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

286

CRM M-9318 of 2024
Date of Decision: 30.09.2024

Dharminder Singh @ Lallu	Versus	...Petitioner
State of Punjab		... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Naveen Sharma, Advocate
for the petitioner.

Mr. Deepinder Singh Brar, Sr. DAG, Punjab.

N.S.SHEKHAWAT, J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail in case FIR No.82 dated 28.07.2023 registered under Sections 307, 384 and 506 of IPC and Sections 25 and 27 of the Arms Act (Sections 386, 387 and 120-B of IPC and Section 25(7)(8) of Arms Act, 1959 added lateron) at Police Station Maur, District Bathinda.
2. Learned counsel for the petitioner contends that the FIR was registered against the unknown persons and he had been falsely involved only on the basis of the suspicion. Learned counsel further

contends that even during the course of investigation, no incriminating evidence could be collected against the petitioner. He further contends that the petitioner is in custody since 28.07.2023 and no witness has been examined so far. Thus, there are no chances of early conclusion of the trial of the present case. Apart from that, similarly placed co-accused Karnadeep Singh @ Kannu, Sachin Yadav and Jaspreet Singh have already been granted the concession of bail by the trial Court.

3. On the other hand, learned State counsel has vehemently opposed the prayer made by the learned counsel for the petitioner on the ground that one more case has been registered under Section 379-B IPC against the petitioner and he is not entitled to the concession of bail.

4. I have heard learned counsel for the parties and perused the record.

5. In the present case, the petitioner is in custody for the last more than 01 year and 02 months, however, though no witness has been examined by the prosecution so far. Apart from that, similarly placed co-accused Karnadeep Singh @ Kannu, Sachin Yadav and Jaspreet Singh have already been granted the concession of bail by the trial Court vide annexures P-3 to P-5, respectively. Thus, no purpose will be served by sending the petitioner behind the bars.

6. In view of the above, without commenting any further on the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate/CJM concerned subject to the following conditions:-

(i) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade him to disclose such facts to the Court or to any other authority.

(ii) The petitioner shall remain present before the Court on the dates fixed for hearing of the case.

(iii) The petitioner shall not absent himself from the Court proceedings except on the prior permission of the Court concerned.

(iv) The petitioner shall surrender his passport, if any, (if already not surrendered), and in case he is not holder of the same, he shall swear an affidavit to that effect.

(v) The petitioner shall also file his affidavit before the concerned Court, mentioning his ordinary place of residence and number of mobile phone, which shall be used by him during the pendency of the trial. In case of change of place of residence/mobile number, he shall share the details with the concerned Court/learned Trial Court.

(vi) In case, the petitioner gets involved in any other criminal activity, during the pendency of the trial, it shall be viewed seriously and the prosecution shall be at

liberty to move an appropriate application for cancellation of bail granted to the present petitioner.

(vii) The concerned Court may insist two heavy local surties and may also impose any other condition, in accordance with law, while accepting the bails bonds and surety bonds of the petitioner.

(viii) The petitioner shall report every 1st Monday in English calander month before the concerned SHO till the conclusion of the trial and SHO shall mark his presence by making an entry in the Rojnamcha. In case, he does not report on every 1st Monday before the concerned SHO, it shall be viewed seriously and the concession granted to him shall be liable to be cancelled and the State of Punjab shall be at liberty to move an appropriate application in this regard.

30.09.2024
amit rana

(N.S.SHEKHAWAT)
JUDGE

Whether reasoned/speaking : Yes/No
Whether reportable : Yes/No